

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MARY ANN CHAMPAGNE,)
)
Plaintiff,)
)
v.)
)
OPTIMUM OUTCOMES, INC.,)
)
Defendant.)
_____)

CIVIL ACTION FILE NO.: 5:15-CV-31-CAR

NOTICE OF REMOVAL

To: United States District Court, Middle District of Georgia

Clerk, Magistrate Court of Houston County, Georgia

Clifford Carlson
Cliff Carlson Law, P.C.
4501 Warner Robins, GA 31088

Re: Mary Ann Champagne v. Optimum Outcomes, Inc.
Magistrate Court of Houston County; Civil Action File No. 2014 MW 0147-0577

YOU WILL PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441-1446, Defendant, Optimum Outcomes, Inc. ("Optimum Outcomes"), hereby removes this case to the United States District Court for the Middle District of Georgia, based upon the following grounds:

1. This action was commenced in the Magistrate Court of Houston County, Georgia, on or about December 17, 2014 through the filing of a Statement of Claim and an attached Complaint (the "Complaint").

2. Optimum Outcomes was served with process, no earlier than January 5, 2015.

3. The Magistrate court in which the action was filed lies within the Macon Division of the United States District Court wherein this Notice of Removal is filed. Thus, venue in this District is proper.

4. The Complaint alleges that Optimum Outcomes violated the Georgia Fair Business Practices Act, O.C.G.A. § 10-1-390 *et. seq.* (“FBPA”); violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”); caused an intentional infliction of emotional distress; and is liable for attorneys’ fees. Optimum Outcomes denies that it committed any violation of law.

5. 28 U.S.C. § 1441 provides that, except in circumstances not applicable here, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1331 states, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Accordingly, because Plaintiff’s claims include a claim under the FDCPA, this action is a civil action for which this Court has original jurisdiction as it pertains to a federal question.

6. In addition, pursuant to 28 U.S.C. § 1367(a), this Court also has supplemental jurisdiction over Plaintiff’s remaining state law claims because those claims are so related to the Plaintiff’s FDCPA cause of action and because they form part of the same case and controversy under Article III of the United States Constitution.

7. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of the service of process on Optimum Outcomes.

8. As required by 28 U.S.C. § 1446, attached hereto as Exhibit “A” are copies of all of the documents which are all of the process, pleadings, and orders heretofore served upon Optimum Outcomes in this action or otherwise on file in the Magistrate Court of Houston County:

- (a) Statement of Claim and
- (b) Complaint
- (c) Defendant’s Notice of Filing Notice of Removal sent contemporaneously to Houston County Magistrate Court (Exhibit “B”).

9. Pursuant to 28 U.S.C. § 1446, copies of this Notice of Removal are today being served upon all adverse parties and upon the Clerk of the Magistrate Court of Houston County, Georgia.

Respectfully submitted this 3rd day of February, 2015.

TAYLOR ENGLISH DUMA LLP

/s/ Michael Eric Ross

Michael Eric Ross

Georgia Bar No. 615190

1600 Parkwood Circle – Suite 400

Atlanta, Georgia 30339

(770) 434-6868

(770) 434-7376 (Facsimile)

mross@taylorenghish.com

Attorneys for Optimum Outcomes, Inc.

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OPTIMUM OUTCOMES, INC.,)	
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Defendant.)	
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record.

In addition, a copy of the within and foregoing pleading was served upon counsel for Plaintiff by depositing a copy of same in the U.S. Mail, postage prepaid, addressed to:

Clifford Carlson
Cliff Carlson Law, P.C.
4501 Warner Robins, GA 31088

Respectfully submitted this 3rd day of February, 2015.

TAYLOR ENGLISH DUMA LLP

/s/ Michael Eric Ross
Michael Eric Ross
Georgia Bar No. 615190
1600 Parkwood Circle – Suite 400
Atlanta, Georgia 30339
(770) 434-6868
(770) 434-7376 (Facsimile)
mross@taylorenghish.com
Attorneys for Optimum Outcomes, Inc.